

REMARKS

Status of the Claims

Claims 1, 5-17, 19, 21, 28, 29, 34-42, 44-47, 51, and 52 are pending in the present application and are again presented. Claim 48 has been cancelled without prejudice to or disclaimer of the subject matter contained therein. Claim 1 has been amended to correct a typographical error. Claim 47 has been amended as described elsewhere herein. Support for the amendment may be found in the original specification and claims as filed, including, for example, on lines 30-32 of page 3. No new matter has been added by way of amendment.

The Rejection Under 35 U.S.C. § 112, First Paragraph Should be Withdrawn

Claims 47-48 have been rejected under 35 U.S.C. § 112, first paragraph, on the grounds that the specification does not provide sufficient enablement for the scope of disorders recited in these claims. In the Office Action, the examiner states that the rejection may be overcome by amending the claims to recite the specific diseases to be treated. Claim 48 has been cancelled, rendering the rejection of this claim moot. In order to expedite prosecution, claim 47 has been amended as suggested by the examiner, thereby obviating the rejection. Reconsideration and withdrawal of the rejection are respectfully requested.

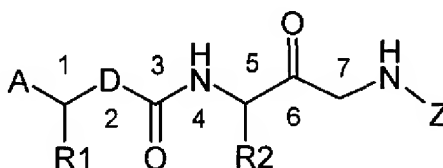
The Rejection Under 35 U.S.C. § 103 Should be Withdrawn

Claims 1, 5-17, 19, 21, 28-29, 34-42, 44-48 and 51-52 have been rejected under 35 U.S.C. 103(a) as being obvious in view of Catalano et al. (US 2005/0043368 A1). Claim 48 has been cancelled, rendering the rejection of this claim moot. The rejection is respectfully traversed as applied to the remaining claims for the reasons described below.

The Office Action states that the only difference between the generic structure shown in claim 1 of Catalano *et al.* and the compounds of Formula (I)

recited in claim 1 of the present application is that in Catalano *et al.*, Q¹ is aryl, heteroaryl, or heterocyclyl while the compounds encompassed by the present application have aryl or heteroaryl in the corresponding position. Applicants respectfully disagree with the analysis set forth in the Office Action.

For purposes of clarity in the following discussion regarding the differences between the structure taught by Catalano *et al.* and the genus of compounds recited in claim 1 of the present application, the positions of the atoms of the formula shown in claim 1 of Catalano *et al.* are referred to using the following numbering system:



There are several differences between the generic structure recited in claim 1 of Catalano *et al.* and the compounds encompassed by claim 1 of the present application. For example, the compounds of claim 1 of the present application are substituted with oxo at the carbon corresponding to position 7 of Catalano *et al.*, while the structure taught by Catalano *et al.* does not teach or suggest an oxo substitution at this position. In addition, position 1 of the Catalano *et al.* structure is substituted by R¹, where R¹ is alkyl or cycloalkyl. The compounds encompassed by claim 1 of the present application do not contain an alkyl or cycloalkyl group substitution at the corresponding position. Also, the structure taught by Catalano *et al.* defines the group Q¹ as aryl, heteroaryl, or heterocyclyl, while the corresponding position in claim 1 of the present application is defined as C₃-C₇ cycloalkylene.

the present application. Accordingly, the cited reference does not teach or suggest compounds having all of the limitations recited in claims 1, 5-17, 19, 21, 28-29, 34-42, 44-47 and 51-52, and the present claims are patentable over the reference.

In view of the above arguments, all grounds for rejection under 35 U.S.C. § 103 have been overcome. Reconsideration and withdrawal of the rejection is therefore respectfully requested.

The Double Patenting Rejection

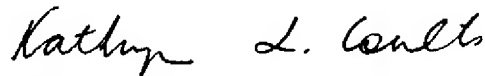
Claims 1, 5-17, 19, 21, 28-29, 34-42, 44-48 and 51-52 have been provisionally rejected as non-patentable on the grounds of obviousness-type double patenting over Catalano et al. (US 2005/0043368 A1) and co-pending U.S. patent application serial number 10/510,469. Claim 48 has been cancelled, rendering the rejection of this claim moot. Applicants note that the rejection of the remaining claims is a provisional rejection as neither patent application has been shown to have allowable subject matter. At the relevant time, the applicants will either file a terminal disclaimer or demonstrate that the claims of the subject applications are patentably distinct.

CONCLUSION

It is believed that the current application is now in condition for allowance. Early notice to this effect is solicited. If, in the opinion of the Examiner, an interview would expedite prosecution, the Examiner is invited to call the undersigned attorney.

Applicants believe that no fees are due in connection with the filing of this paper other than those specifically authorized herein. However, should any other fees be deemed necessary to effect the timely filing of this paper the Commissioner is hereby authorized to charge such fees to Deposit Account No. 07-1392.

Respectfully submitted,



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